

**House File 2398 - Introduced**

HOUSE FILE 2398

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 609)

**A BILL FOR**

1 An Act classifying certain substances as schedule I controlled  
2 substances, making penalties applicable, and including  
3 effective date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.201, subsection 4, Code 2011, is  
2 amended to read as follows:

3 4. If any new substance is designated as a controlled  
4 substance under federal law and notice of the designation is  
5 given to the board, the board shall similarly designate as  
6 controlled the new substance under this chapter after the  
7 expiration of thirty days from publication in the Federal  
8 Register of a final order designating a new substance as a  
9 controlled substance, unless within that thirty-day period  
10 the board objects to the new designation. In that case the  
11 board shall publish the reasons for objection and afford  
12 all interested parties an opportunity to be heard. At  
13 the conclusion of the hearing the board shall announce its  
14 decision. Upon publication of objection to a new substance  
15 being designated as a controlled substance under this chapter  
16 by the board, control under this chapter is stayed until the  
17 board publishes its decision. If a substance is designated  
18 as controlled by the board under this ~~paragraph~~ subsection  
19 the control shall be temporary and if within sixty days after  
20 the next regular session of the general assembly convenes it  
21 has not made the corresponding changes in this chapter, the  
22 temporary designation of control of the substance by the board  
23 shall be nullified.

24 Sec. 2. Section 124.204, subsection 4, paragraph ai, Code  
25 Supplement 2011, is amended by striking the paragraph and  
26 inserting in lieu thereof the following:

27 *ai.* (1) Salvia divinorum.

28 (2) Salvinorin A.

29 (3) HU-210. [(6aR,10aR)-9-(hydroxymethyl)-6,6-  
30 dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-tetrahydrobenzo[c]  
31 chromen-1-ol)].

32 (4) HU-211(dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-  
33 dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]  
34 chromen-1-ol).

35 (5) Unless specifically exempted or unless listed in

1 another schedule, any material, compound, mixture, or  
2 preparation which contains any quantity of cannabimimetic  
3 agents, or which contains their salts, isomers, and salts of  
4 isomers whenever the existence of such salts, isomers, and  
5 salts of isomers is possible within the specific chemical  
6 designation.

7 (a) The term "*cannabimimetic agents*" means any substance  
8 that is a cannabinoid receptor type 1 (CB1 receptor) agonist as  
9 demonstrated by binding studies and functional assays within  
10 any of the following structural classes:

11 (i) 2-(3-hydroxycyclohexyl)phenol with substitution at the  
12 5-position of the phenolic ring by alkyl or alkenyl, whether or  
13 not substituted on the cyclohexyl ring to any extent.

14 (ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole  
15 by substitution at the nitrogen atom of the indole ring,  
16 whether or not further substituted on the indole ring to any  
17 extent, whether or not substituted on the naphthoyl or naphthyl  
18 ring to any extent.

19 (iii) 3-(1-naphthoyl)pyrrole by substitution at the  
20 nitrogen atom of the pyrrole ring, whether or not further  
21 substituted in the pyrrole ring to any extent, whether or not  
22 substituted on the naphthoyl ring to any extent.

23 (iv) 1-(1-naphthylmethylene)indene by substitution of  
24 the 3-position of the indene ring, whether or not further  
25 substituted in the indene ring to any extent, whether or not  
26 substituted on the naphthyl ring to any extent.

27 (v) 3-phenylacetylindole or 3-benzoylindole by substitution  
28 at the nitrogen atom of the indole ring, whether or not further  
29 substituted in the indole ring to any extent, whether or not  
30 substituted on the phenyl ring to any extent.

31 (b) Such terms include:

32 (i) CP 47, 497 and homologues 2-[(1R, 3S)-3-  
33 hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol).

34 (ii) JWH-018 and AM678 1-Pentyl-3-(1-naphthoyl)indole.

35 (iii) JWH-073 1-Butyl-3-(1-naphthoyl)indole.

- 1 (iv) JWH-200 [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-  
2 naphthalenyl-methanone.
- 3 (v) JWH-19 1-hexyl-3-(1-naphthoyl)indole.
- 4 (vi) JWH-81 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole.
- 5 (vii) JWH-122 1-pentyl-3-(4-methyl-1-naphthoyl)indole.
- 6 (viii) JWH-250 1-pentyl-3-(2-methoxynaphthoyl)indole.
- 7 (ix) RCS-4 and SR-19 1-pentyl-3-[(4methoxy)-benzoyl]indole.
- 8 (x) RCS-8 and SR-18 1-cyclohexylethyl-3-  
9 (-2-methoxyphenylacetyl)indole.
- 10 (xi) AM2201 1-(5-fluoropentyl)-3-(1-naphthoyl)indole.
- 11 (xii) JWH-203 1-pentyl-3-(2-chlorophenylacetyl)indole.
- 12 (xiii) JWH-398 1-pentyl-3-(4-chloro-1-naphthoyl)indole.
- 13 (xiv) AM694 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
- 14 (xv) Cannabicyclohexanol or CP-47,497 C8-homolog  
15 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol.
- 16 Sec. 3. Section 124.204, subsection 6, Code Supplement  
17 2011, is amended by adding the following new paragraph:
- 18 NEW PARAGRAPH. *i.* Any substance, compound, mixture or  
19 preparation which contains any quantity of any synthetic  
20 cathinone that is not approved as a pharmaceutical, including  
21 but not limited to the following:
- 22 (1) Mephedrone, also known as 4-methylmethcathinone,(RS)-2-  
23 methylamino-1-(4-methylphenyl) propan-1-one.
- 24 (2) Methylene-dioxypyrovalerone(MDPV)[(1-(1,3-  
25 Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone].
- 26 (3) Methylone, also known as  
27 3,4-methylenedioxyethcathinone.
- 28 (4) Naphthylpyrovalerone (naphyrone).
- 29 (5) 4-fluoromethcathinone(flephedrone) or a positional  
30 isomer of 4-fluoromethcathinone.
- 31 (6) 4-methoxymethcathinone (methedrone;Bk-PMMA).
- 32 (7) Ethcathinone.
- 33 (8) 3,4-methylenedioxyethcathinone(ethylone).
- 34 (9) Beta-keto-N-methyl-3,4-benzodioxolybutanamine  
35 (butylone).

- 1 (10) N,N-dimethylcathinone (metamfepramone).  
 2 (11) Alpha-pyrrolidinopropiophenone (alpha-PPP).  
 3 (12) 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP).  
 4 (13) 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone  
 5 (MDPPP).  
 6 (14) Alpha-pyrrolidinovalerophenone (alpha-PVP).  
 7 (15) 6,7-dihydro-5H-indeno(5,6-d)-1,3-dioxal-6 6-amine)  
 8 (MDAI).  
 9 (16) 3-fluoromethcathinone.  
 10 (17) 4'-Methyl- $\alpha$ -pyrrolidinobutiophenone (MPBP).  
 11 (18) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).  
 12 (19) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).  
 13 (20) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).  
 14 (21) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).  
 15 (22) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine  
 16 (2C-T-2).  
 17 (23) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine  
 18 (2C-T-4).  
 19 (24) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).  
 20 (25) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).  
 21 (26) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).

22 Sec. 4. Section 124.401, subsection 1, paragraph d, Code  
 23 Supplement 2011, is amended to read as follows:

24 *d.* Violation of this subsection, with respect to any other  
 25 controlled substances, counterfeit substances, or simulated  
 26 controlled substances classified in section 124.204, subsection  
 27 4, paragraph "ai", section 124.204, subsection 6, paragraph "i",  
 28 or classified in schedule IV or V is an aggravated misdemeanor.  
 29 However, violation of this subsection involving fifty kilograms  
 30 or less of marijuana or involving flunitrazepam is a class "D"  
 31 felony.

32 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
 33 immediate importance, takes effect upon enactment.

34 EXPLANATION

35 This bill classifies certain substances as schedule I

1 controlled substances, and makes penalties applicable.

2 The bill adds numerous synthetic cannabinoids, also known as  
3 "K2", to the list of schedule I controlled substances in Code  
4 section 124.204(4)(ai).

5 The bill adds numerous substances containing any quantity of  
6 any synthetic cathinone that are not approved pharmaceuticals  
7 to the list of schedule I controlled substances in Code section  
8 124.204(6).

9 A schedule I controlled substance is considered to have a  
10 high potential for abuse and no medical purpose in treatment in  
11 the United States.

12 Under the bill, it is an aggravated misdemeanor pursuant  
13 to Code section 124.401(1)(d) for any unauthorized person to  
14 manufacture, deliver, or possess with the intent to manufacture  
15 or deliver a synthetic cannabinoid classified as a schedule I  
16 controlled substance in Code section 124.204(4)(ai) including  
17 its counterfeit or simulated form, or to act with, enter into  
18 a common scheme or design with, or conspire with one or more  
19 persons to manufacture, deliver, or possess with the intent to  
20 manufacture or deliver such a schedule I controlled substance.

21 It is also an aggravated misdemeanor pursuant to Code  
22 section 124.401(1)(d) under the bill for any unauthorized  
23 person to manufacture, deliver, or possess with the intent to  
24 manufacture or deliver a synthetic cathinone classified as a  
25 schedule I controlled substance in Code section 124.204(6)(i)  
26 including its counterfeit or simulated form, or to act with,  
27 enter into a common scheme or design with, or conspire with one  
28 or more persons to manufacture, deliver, or possess with the  
29 intent to manufacture or deliver such a schedule I controlled  
30 substance.

31 It is also a serious misdemeanor for a first offense  
32 violation of Code section 124.401(5) for any unauthorized  
33 person to possess a controlled substance classified as a  
34 schedule I controlled substance.

35 An aggravated misdemeanor is punishable by confinement for

H.F. 2398

1 no more than two years and a fine of at least \$625 but not  
2 more than \$6,250. A serious misdemeanor is punishable by  
3 confinement for no more than one year and a fine of at least  
4 \$315 but not more than \$1,875.

5 The bill takes effect upon enactment.